

P19993.A06



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shoji KARASAWA et al.

Group Art Unit: 1745

Serial No : 09/664,323

Examiner: S. TSANG-FOSTER

Filed : September 18, 2000

For : ELECTRODE PLATE UNIT FOR RECHARGEABLE BATTERY AND
MANUFACTURING METHOD THEREOF

ELECTION WITH TRAVERSE

Assistant Commissioner of Patents and Trademarks
Washington, DC 20231

RECEIVED
JUN 24 2002
TC 1700

Sir :

In response to the Examiner's restriction requirement of May 23, 2002, the time set for response being one month from the mailing date from the U.S. Patent and Trademark Office, *i.e.*, June 24, 2002 (June 23 being a Sunday), Applicants hereby elect the invention of Group I, including claims 1-11. The above election is made with traverse for the reasons set forth herein below.

In the Official Action of May 23, 2002, the Examiner indicated that all claims (1-23) were subject to restriction under 35 U.S.C. § 121. The Examiner restricted the claimed invention into Group I, comprising claims 1-11, drawn to a battery with an electrode plate

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unit, classified in class 429, subclass 161; and Group II, comprising claims 12-23, drawn to a method of manufacturing an electrode plate unit, classified in class 29, subclass 623.1.

The Examiner asserted that the inventions were related as process of making and product made, and that the inventions are distinct from each other under M.P.E.P. § 806.05(f) because “the product can be made by a materially different process using a direct welding process such as resistance welding and ultrasonic welding to connect the collector plate to the lateral edges of the positive or negative electrode plates instead of using a non-contact type heat source process claimed.”

Applicants respectfully traverse the Examiner’s restriction requirement. Applicants respectfully submit that, while the Examiner has asserted that it would be burdensome to search both groups, the Examiner has failed to provide an “appropriate explanation” of such burden, as set forth in M.P.E.P. § 803. That is, according to M.P.E.P. § 803, “an appropriate explanation” must be advanced by the Examiner as to the existence of a “serious burden” if the restriction requirement were not required.

While the Examiner has alleged a possible distinction between the two identified groups of the invention, the Examiner has not shown that a concurrent examination of these groups would present a “serious burden” on the Examiner. For example, both groups I and II are directed toward a battery wherein a plurality of stacked positive and negative electrode plates, as well as a collector plate are included.

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Thus, Applicants submit that no undue or serious burden would be presented in concurrently examining Groups I and II. Thus, the Examiner's assertion that the search being "burdensome" does not appear to be supported by the record. Therefore, consistent with the office policy set forth in M.P.E.P. § 803, Applicants respectfully request that the Examiner reconsider and withdraw the restriction requirement in this application.

For all of the above reasons, the Examiner's restriction is believed to be improper. Nevertheless, Applicants have elected, with traverse, the invention defined by Group I, in the event that the Examiner chooses not to reconsider and withdraw the restriction requirement.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted;
Shoji KARASAWA et al.

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1745

In re application of : Shoji KARASAWA et al.

Attorney Docket No. P19993

Serial No. : 09/664,323

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Examiner: S. TSANG-FOSTER

For : ELECTRODE PLATE UNIT FOR RECHARGEABLE BATTERY AND MANUFACTURING METHOD THEREOF

THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Sir:

Transmitted herewith is an election with traverse in the above-captioned application.

- ___ Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.
___ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.
___ A Request for Extension of Time.
X No additional fee is required.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 23	*23	0	x 9=	\$	x 18=	\$0.00
Indep. Claims: 7	**7	0	x 42=	\$	x 84=	\$0.00
Multiple Dependent Claims Presented			+140=	\$	+280=	\$0.00
Extension Fees for Month				\$		\$0.00
Total:				\$	Total:	\$0.00

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*If less than 20, write 20

**If less than 3, write 3

___ Please charge my Deposit Account No. 19-0089 in the amount of \$_____.

N/A A Check in the amount of \$_____ to cover the filing/extension fee is included.X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.X Any additional filing fees required under 37 C.F.R. 1.16.X Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 CFR 1.136) (a)(3)

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